TENSIONS OF GOVERNANCE IN THE EUROPEAN COMMISSION

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Abstract

This article analyses tensions of governance within the core-executive of the European Union – the Commission. The applied test-bed is *seconded national civil servants* (SNEs) hired on short-term contracts in the Commission. The analysis benefits from a rich body of surveys and interview data among *current* and *former* SNEs. The data demonstrate that the decision-making behaviour evoked by SNEs contains a mix of departmental, epistemic and supranational behaviour. Intergovernmental dynamics are shown to be much less significant. The study also demonstrates that the secondment system scarcely creates enduring supranational loyalties among SNEs. The socialising powers of the Commission is conditional and only partly sustained when SNEs exit the Commission. The temporal identity of SNEs as an 'EU civil servant' is dependent on their primary institutional embeddedness within the Commission. Theoretically, tensions of governance in the Commission are accounted for by an institutionalist approach.

Introduction[1]

Executive governance in Europe faces enduring and enhanced tensions between competing interests, concerns, norms and values (Olsen 2007). Profound transformation of executive governance partly has to do with the increasing multilevel integration of public administration in Europe whereby "previously separate units [turn] into components of a coherent system" of executive government (Deutsch 1968: 158). Increasing interaction and interdependence between the European Commission (Commission) and domestic administration creates tensions of executive governance at both levels (Egeberg 2006; March and Olsen 2006). Moreover,

different executive institutions are making increasingly complex trade-offs in order to solve, buffer and rebalance these tensions (Kettl 2002: 153). This article analyses tensions of governance within the core-executive of the European Union (EU) – the Commission.

This study has three ambitions: First, a conceptual map is outlined that suggests four generic dynamics that compete for attention in every-day Commission governance. Arguably, tensions of governance within the Commission oscillate between supranational, intergovernmental, departmental and epistemic dynamics. This four-fold conceptual map is subsequently transposed into a corresponding conceptual map of the decision-making behaviour, roles and loyalties available to individual Commission officials (see Table 1 beneath). Secondly, this study outlines an institutional approach to account for conditions under which each of these dynamics are applied by Commission officials. Finally, the article offers an empirical analysis illuminating tensions of governance at the actor-level among temporary Commission officials. This analysis benefits from a rich body of three separate but tightly co-ordinated surveys (N = 162) and interview studies (N = 50) among *current* and *former* temporary Commission officials (see beneath).

The Commission occupies a pivotal role as the core-executive EU institution with key initiating powers, resources and capacities. Yet, beyond single-case studies there is a surprising dearth of theoretically informed empirical studies of the Commission (Barnett and Finnemore 2004; Gehring 2003; Gould and Kelman 1970; Johnston 2005; Rochester 1989). This study theorises and empirically illuminates tensions of governance in the Commission. Arguably, a crucial test thereof is the extent to which

the Commission manages to weaken intergovernmental behavioural dynamics among individual officials and induce them to supranational, departmental and epistemic behaviour. One under-researched test-bed thereof is *seconded national civil servants* hired on short-term contracts in the Commission (*SNEs* in Commission phraseology) (Trondal 2004).

The High Autority of 1952 was largely staffed by SNEs from the member-state governments, and the intention of its first President (Jean Monnet) was that the High Authority should rely on a seconded, flexible staff of top experts (Duchêne 1994: 240). However, SNEs have never dominated the Commission staff, but their number has steadily increased in the 1990s, particularly under the Delors Commission, to 1132 SNEs (10 percent) of the present Commission (Statistical Bulletin of Commission Staff 01/2007). From the outset, SNEs have a double allegiance since they are employees of their home organisation (financially and officially), but they work under the instructions of the Commission. SNEs are obliged to behave solely in the interests of the Commission and not to accept any instructions or duties from their home government. Moreover, they do not have the authority to represent the Commission externally or to enter into any commitments on behalf of the Commission.[2] This double role is further exacerbated by the fact that the whole secondment system is based on the assumption that SNEs return to their home organisation after the termination of their secondment contract (Trondal 2004).

The dependent variable of this study is the actual decision-making behaviour and loyalties evoked by SNEs. Arguably, SNEs are rifted between four behavioural logics – intergovernmental, supranational, departmental and epistemic logics (see Table 1

below). Whereas intergovernmental behaviour upholds territorial preferences, concerns, roles and loyalties, the latter three dynamics severely weaken the extent to which SNEs represent their home government. Whereas supranational behaviour denotes that SNEs have a strong "cosmopolitan" Commission loyalty and act on mandates issued by the Commission's politico-administrative leadership, departmental and epistemic behaviour is more or less decoupled from politico-administrative control from the home government *and* the Commission. Departmental behaviour is guided by administrative rules and procedures codified in the portfolios assigned to SNEs. Epistemic behaviour is guided by professional expertise and the educational background of the SNEs, loosely knit to fixed mandates from the Commission *and* the member-state leadership.

[Table 1 about here]

An institutional approach is outlined suggesting conditions under which each of the above dynamics is applied by SNEs. It is argued that decision-making dynamics may be accounted for by considering (i) the procedures used to recruit SNEs to the Commission, (ii) the organisational affiliations of SNEs, (iii) the formal embeddeness of SNEs inside the Commission, and (iv) finally processes of socialisation of SNEs within the Commission. Arguably, tensions of governance among SNEs are conditioned by these variables.

The article proceeds as follows. The next section outlines an institutional approach from which four independent variables is derived. The next section presents the methodology and the survey and interview data underpinning this study. The

following section presents the main findings on Commission SNEs. This presentation systematically compares *current* and *former* SNEs. The data demonstrate that the decision-making behaviour evoked by SNEs contain a mix of departmental, epistemic and supranational behaviour. The intergovernmental dynamic is shown to be much less significant. Essentially, when comparing current and former SNEs, loyalties towards particular EU institutions do vary considerably among these officials. The study, however, demonstrates that overall system loyalties towards the EU as a whole seem to be rather sticky and remain strong also among former SNEs. However, the socialising powers of the Commission is conditional and only partially sustained when SNEs exit the Commission. The "temporal identity" of SNEs as an 'EU civil servant' is dependent on their primary institutional embeddedness within the Commission (Gravier 2007: 24). The secondment system thus does not create enduring supranational loyalties across levels of government in Europe. This study also shows that the actual contact patterns applied by SNEs do not support the development of a multilevel EU administration by the remarkably low degree of national contacts during the secondment period. These observations underscore the *de facto* autonomy of SNEs vis-à-vis the member-states while working at the Commission, acting largely as "isolated nomads" (Gravier 2007: 19).

An Institutional Approach

Students of international executive institutions (IEIs) tend to adopt neo-liberalist and realist approaches and apply principal-agent theory to understand the baseline dynamics of IEIs (Hasenclever et al. 1996). Basically, rationalist accounts focus on patterns of co-operation and conflict among states and see IEIs as vehicles for maximising state preferences and for lowering transaction costs. Recent studies of

IEIs have made a combined 'institutionalist and constructivist turn' and re-discovered questions of actor socialisation, complex learning and cognitive framing of norms and rules (Checkel 2005; Trondal et al. 2005). IEIs are pictured as more than empty vessels and neutral arenas in which state representatives gather. An equivalent rediscovery of institutions was made in the field of organisation theory over twenty years ago (March and Olsen 1984). The independent variables outlined beneath benefit from this organisational and institutional school of thought. One additional criterion for selecting the independent variables is how successfully they have survived past empirical tests.

Most scholars treat institutionalist and social constructivist approaches separately (e.g. Wiener and Diez 2004). However, the institutionalist – social constructivist divide is narrower than often assumed (Trondal 2001). Both sociological institutionalism and middle-range social constructivist accounts emphasise some common independent variables (notably the re-socialisation of actors) as well as fairly similar dependent variables (identity and role change among individual actors). However, whereas middle-range social constructivist scholarship tend to under-theorise the *organisational* context within which social interaction occurs, institutional and organisation theory approaches tend to neglect aspects of social interaction (e.g. Checkel 2005; Egeberg 2006; March and Olsen 2006). By applying so-called "both/and" theorising, the institutional approach suggested here combines micro-mechanisms from institutional and social constructivist scholarship.

Civil servants live with a constant overload of inconsistent concerns that call for attention at particular decision situations. Under these conditions, formal and informal

institutions guide the decision-making behaviour of civil servants due to the computational limitations among the latter (Simon 1997) and as a response to internalised rules and practices embedded in formal rules (March and Olsen 2006). Formal organisations "are collections of structures, rules and standard operating procedures that have a partly autonomous role in political life" (March and Olsen 2006: 4). Accordingly, to Schattschneider (1975: 30) "organization is itself a mobilization of bias in preparation for action". Institutions are systematic devices for simplifying, classifying, routinising, directing and sequencing information towards particular decision situations (Schattschneider 1975: 58). Causal mechanisms that connect institutions and actor behaviour are logics of appropriateness, deliberative rationalism, incentive systems and bounded rationality (Rhodes et al. 2006). For example, the limited cognitive capacities of civil servants are systematised by the specialisation of formal organisations into units and divisions. By specialising formal organisations each civil servant is assigned a portfolio of problems, solutions and consequences s/he directs systematic attention to (Egeberg 2006). Organisational specialisation leads to local rationalities and local and routinised learning cycles among the incumbents (Olsen 2006). The logic of appropriateness also guides officials to decision-making behaviour deemed appropriate by internalised perceptions of proper conduct (March and Olsen 2006). Moreover, actors often are embedded within multiple organisations, so that each actor receives multiple and often ambiguous cues for action. The independent variables derived from this institutional approach are the following: (i) recruitment procedures, (ii) organisational affiliations, (iii) the formal organisational composition of institutions, and (iv) processes of socialisation within institutions.

Recruitment procedures in the Commission

The decision-making behaviour of government officials may be greatly affected by the procedures applied to recruit staff. Different procedures for recruitment tend to bring in different people and keep them more or less autonomous vis-à-vis past constituencies (Cox 1969). Basically, recruitment may be based on a merit principle, as in most Western democracies, or on a quota principle or other systems of patronage or *parachutage*, as in the top echelon of the American civil service (Ingraham 1995: 9). Whereas the merit principle recruits permanent civil servants on the basis of competence and past achievements, the quota principle typically recruits officials on more temporary contracts on the basis of, for example, professional, sectoral or territorial mandates (Ingraham 1995: xix). SNEs are not recruited to the Commission through the open competition process to vacancies based on a written test, but in a more opaque process described by Stevens and Stevens (2001: 87) as a "submarine approach" or as an entry to the Commission services through the back door. In the Commission, initiatives to launch vacancies and the final selection of relevant candidates to SNE contracts are co-ordinated by the Director or Head of Unit in the relevant Commission DG (EEA 2002: 4). SNE vacancies are usually made public by informing the Permanent Representations of member-states in Brussels, which subsequently contact the respective national authorities. The recruiting Commission unit receives the applications of SNE candidates from the member-states, makes a shortlist and selects SNEs, usually as a result of an interview. Moreover, it is the Commission that determines the job description for each SNE (administered by DG ADMIN), based on initial information from the member-states about particular preferences among particular SNEs. The vast majority of SNEs seem to be recruited on the initiative of individual Commission DGs as well as on the basis of personal

initiatives by individual SNEs (Statskontoret 2001:17: 34). Arguably, because the "submarine" procedure for recruitment of SNEs is not a responsibility of the central staffing service but is heavily governed by the separate DGs instead, it is conducive to departmental behaviour among the SNEs.

Organisational affiliations

The second independent variable considered is the characteristics of the relationships that may develop *between* organisations. This study stresses the fact that the Commission serves as part of complex webs of organisations, notably networks with member-state bureaucracies. Commission SNEs typically have multiple institutional affiliations - both nationally and internationally – that pose multiple cognitive frames, incentives and norms of appropriate conduct. The bounded rationality of humans reduces their capacity to attend to more than one organisation at a time (Simon 1997: 288). The logic of primacy implies that primary institutional affiliations of civil servants affect their behavioural patterns more extensively than secondary affiliations (Egeberg 2006). Hence, there is a hierarchy of organisational memberships present (Flora 1999: 35). The demands that these affiliations pose may conflict, thereby inducing role and behavioural conflicts among the officials. Arguably, primary institutions create salient behaviour and roles whereas secondary institutions create less salient repertoires of behaviour for actors (Ashford and Mael 2004: 141). The SNE contracts prescribe that SNEs have their primary institutional affiliation inside the Commission. They are expected to transfer their organisational affiliation from the domestic government to the Commission for a short time period. Assuming that the behaviour of SNEs do conform to this prescription, they are likely to be more supranationally than intergovernmentally oriented while seconded to the Commission.

However, former SNEs who have returned to their home government transfer their primary organisational affiliations to their member-state administration, and are subsequently likely to become more intergovernmentally oriented. Hence, the supranational orientation is not likely to be sustained when SNEs leave the Commission after the contract expires.

The organisational composition of the Commission

Political orders are hybrids and inconsistent collections "of institutions that fit more or less into a coherent system" (Ansell 2004: 234). Political orders consist of formal organisations that are partial systems incorporated into larger systems. Formal organisations tend to accumulate conflicting organisational principles through horizontal and vertical specialisation. Conflicting organisational codes tend to give conflicting cues for appropriate conduct (Barnard 1968: 278). When specialising formal organisations horizontally, two conventional principles have been suggested by Luther Gulick (1937). First, formal organisations may be specialised by the major *purpose* served – like research, health, food safety, etc. This principle of organisation tends to activate patterns of co-operation and conflicts among incumbents along sectoral (departmental) cleavages (Egeberg 2006). Behavioural patterns and loyalties tend to be channelled *within* departmental portfolios rather than across them. Arguably, organisation by major purpose served is likely to bias decision-making dynamics towards a departmental logic where preferences, contact patterns, roles and loyalties are directed towards portfolios, DGs and units. Organisations specialised by purpose also tend to create organisational loyalties towards units and divisions rather than towards the whole organisation at large. The Commission DG and unit structure is a prominent example of this horizontal principle of specialisation. The Commission

is a horizontally pillarised system of government specialised by purpose and with fairly weak organisational capabilities for horizontal co-ordination at the top through Presidential command (Dimitrakopoulos and Kassim 2005).[3]

A second principle of horizontal specialisation present within the Commission is the principle of the major *process* utilised – like administration, legal service, personnel services, etc. (Gulick 1937). This principle of organisation, however, is secondary to the principle of purpose outlined above. The process principle encourages the horizontal integration of functional departments and the disintegration of the major purposes served. Within the Commission the internal services like Legal Service and DG for Translation illustrates the process principle. Arguably, organisation by major process is conducive to departmental and epistemic behaviour among the incumbents.

The Commission also embodies a territorial principle of organisation as well as a party political component. Territorial concerns are embedded into the Commission services by the recruitment of *de facto* national officials (which is particularly evident in the case of SNEs), notably among Administrators, Cabinets and Commissioners. Secondly, a party political component is organised into the College, particularly because Commissioners have become increasingly political heavyweights and because of the creeping parliamentarisation of the College (MacMullen 1997; Nugent 2006). In sum, the Commission is a 'multi-organisation' horizontally specialised according to two main principles of organisation (Christiansen 1997), contributing to "sending ambivalent signals to Commission officials" (Hooghe 1997: 105). During the contract period, the Commission serves as the primary organisational affiliation of SNEs, rendering them particularly sensitive to the multiple organisational signals and

selections provided by the Commission organisation. Hence, the horizontal specialisation of the Commission administration by purpose and process is conducive the enactment of departmental and epistemic behavioural dynamics among SNEs.

Processes of socialisation within the Commission

A vast literature has revealed that the impact of pre-socialisation on actors' roles and identities is modified by organisational re-socialisation (e.g. Checkel 2005). National officials entering the Commission are subject to an organisational "exposure effect" upon arrival (Johnston 2005: 1039) that may contribute to re-socialisation. Socialisation is a dynamic process whereby individuals are induced into the norms and rules of a given community. Departing from this simplistic assumption, our argument is that, when "members of one polity serve as participants in the political processes of another" (Rosenau 1969: 46), as when domestic officials work as SNEs in the Commission, *the length and intensity of participation in the Commission* may affect the extent to which supranational role perceptions are evoked among the officials. Apart from being formal members of Commission, protracted and intensive interaction and participation within this institution is conducive to the evocation of supranational role perceptions amongst the officials. Parallel to this argument, Haas (1958) assumed that participants become 'locked in' and socialised by the sheer intensity of interaction. Chief to the neo-functionalist approach, the potential for re-socialisation to occur ('shift of loyalty towards a new centre') is assumed positively related to the *duration* and the *intensity* of interaction among actors (Haas 1958: 16). This claim rests on socialisation theory that emphasises a positive relationship between the intensity of participation within a collective group and the extent to which members of this group develop perceptions of group belongingness and an

esprit de corps. Protracted and intensive actor-interaction is conducive to internalisation of the norms and rules of the community (Checkel 2005). Hence, the socialising experience within the Commission is to some extent likely to increase SNEs loyalties towards the EU system. Re-socialised SNEs who do re-enter their home organisation after their SNE contract expires are likely to retain some supranational loyalty towards the EU system. However, re-socialisation within the Commission arguably makes it more difficult for former SNEs to smoothly re-enter their home organisations afterwards (as they are formally expected), thus increasing the likelihood that former SNEs will not continue their careers within a home government, but elsewhere, for instance in another international organisation or in the private sector.

Data and methods

Empirical research on SNEs is rare. This study benefits from three separate but highly co-ordinated studies of SNEs. The first study consists mainly of Swedish, Danish and Norwegian SNEs (Trondal 2006). Based on similar methodology, this first study was replicated twice on SNEs from the Netherlands. In sum, these data includes three surveys (N=162) and three in-depth qualitative interview studies (N=50) on SNEs. The mean response rate in the surveys is 73 per cent.

There exists no available, updated or complete list of Commission SNEs. The observations reported below are thus based on survey and interview data among three *selected* samples. The first sample resulted from a short-list of 125 SNEs provided by CLENAD[4] and the EFTA Secretariat. The reason for using the EFTA Secretariat is that it provides updated online lists of SNEs from the EEA countries Norway, Iceland

and Lichtenstein. The survey data on the Nordic SNEs were collected through a postal inquiry in 2004. After three rounds of reminders the final sample totals 72, giving a response rate of 58 percent. This response rate is low compared to surveys in domestic central administrations, but higher than recent studies of the Commission (e.g. Hooghe 2005). This first sample covers SNEs from 15 Commission DGs[5], two EU member-countries and two EEA countries.[6] This sample is strongly biased towards the Nordic countries. This survey is supplemented by in-depth interviews among a sub-sample of Swedish and Norwegian SNEs. 22 interviews were conducted in the winter 2004 - 2005 on the basis of a semi-structured interview-guide.

The second and third survey samples are composed of 90 Dutch SNEs divided into two groups: one group of officials who are *currently* working as SNE at the Commission, and one group of *former* SNEs who were seconded between 2001 and 2005.[7] Survey and interview data were collected for both groups of respondents. The survey and interview questions have been adapted from the first SNE study, thereby sharing similar methodological platform. The whole population of *current* Dutch SNEs received a questionnaire (62 in total)[8], out of which 46 responded, resulting in a 74 percent response rate. This makes our data on current Dutch SNEs highly representative and reliable. Supplementary interviews were conducted with eight of these officials.

Due to the absence of complete records, the group of *former* SNEs were reached using the snowballing method. Out of a total population of 91 former SNEs, we were able to contact 51 of these SNEs filled in the questionnaire, resulting in a response rate of 86 percent. Snowballing does not pose problems for interpreting the results, since we

only report frequencies in the analysis. Moreover, 20 interviews were conducted with this group of respondents. The next section is illustrated with direct quotations from the transcribed interviews.

In the following empirical analysis, survey data on *current* Nordic SNEs is labelled '*Data 1*', the survey data on *current* Dutch SNEs is labelled '*Data 2*', and finally, the survey data on *former* Dutch SNEs is labelled '*Data 3*'.

The item non-response rate was fairly low for the surveys in total, the poorest item-score equalling 58 respondents. The survey questions have been streamlined to enable comparison between the three data sets. The former SNEs have been asked questions regarding their secondment period and their current functions to enable cross-time comparisons. The cross-time comparisons should be read with caution; however, since the responses to survey questions with regard to the secondment period of former SNEs rely on their memory. An inevitable problem connected to research that relies on respondents' memories are the potential deficiency on the part of the accuracy of the respondents' input. Another caveat is the danger that respondents may portray themselves in a most favourable way. One potential implication thereof is that the role of SNEs as member-state representatives may be under-reported in the data. Moreover, supranational behavioural dynamics among SNEs may also partly reflect a self-selection effect. According to Edward Page (1997: 60), SNEs generally have contacts with the Commission prior to entering it. Frequently, they "indicate a wish to spend three years in Brussels" (Page 1997: 60). This indicates that a supranational role may reflect processes of pre-socialisation outside as well as re-socialisation inside the Commission.

Tensions of governance in the Commission

A considerable part of the output crafted by the Commission is initiated, drafted and put on the agenda at the administrative level. Hence, to understand Commission governance one has to unpack the behavioural dynamics among Commission Administrators, including SNEs. Of the Commission workforce of 11 263 full-time policy-making Administrators, 1132 officials (10 percent) are seconded on temporary posts (Statistical Bulletin on Commission Staff 01/2007). Outside the Commission, government officials at the member-state level are also increasingly hired on temporary posts, rendering their perceived organisational memberships vague, unstable and ambiguous (Bartel and Dutton 2001: 116; Hall 2002). Temporary officials provide the Commission with additional expertise, supply learning across levels of government, secure the Commission with a more flexible workforce hired through a fast-track recruitment system (the "submarine procedure"), and offer national officials with added EU experiences. According to one current Dutch SNE,

> *"SNEs bring an external perspective to the Commission, a new zest. [The Commission] no longer thinks that the concours is the only right way of recruiting people or that candidates who passed the concours are better than civil servants from the member states. [The Commission] can continue to build bridges to the member states. At the end of the day, both sides profit because it [the SNE system] brings in fresh knowledge. It is a link that provides much better insights. [The Commission] draws in people with a very different experience"* (Interview).

SNEs make decisions within the Commission almost on the same footing as permanent Commission Administrators. They are recruited to the Commission on short term contracts (maximum four years), paid by their home government, and the majority foresee a return to past positions in domestic ministries or agencies when

their temporary contracts come to an end (CLENAD 2003). Moreover, while working for the Commission, SNEs are presumed to transfer their *primary* organisational affiliation from the member-state administration to the Commission. Although SNEs are typically seconded from the administrations (national, regional, or local) of EU member-states, the Commission also recruits experts from non-member states (e.g. Norway), private sector and from other international organisations.

The Netherlands, at least until recently, was thought to be underrepresented within the Commission bureaucracy, partially stemming from the fact that the *concours* was difficult to pass for Dutch candidates due to a mismatch between the *concours* examination system and the Dutch educational system. This led the Dutch government to take active measures aimed at increasing the number of Dutch officials, namely by introducing training courses for the *concours* and appointing an official to the Dutch EU Permanent Representation responsible for coordinating Dutch appointments to EU institutions.[10]

Secondments meanwhile have been a safe way to secure posts for Dutch incumbents. The Netherlands is currently the home country of 62 SNEs to the Commission, which makes up for the 5.5 percent of the total SNE population of 1132 (Statistical Bulletin of Commission Staff 01/2007). The EFTA countries currently have 38 SNEs in the Commission, which make up for 3.4 percent of the SNE population (http://secretariat.efta.int). These figures are not exclusively reflecting government strategies but also to the fact that the member-states (and non-member-states) have high levels of expertise sought for by the Commission.[11] Furthermore, the proximity of the Netherlands to Belgium makes it easier to keep one foot in the home country

during the secondment, a factor which can play a role in terms of the personal lives of potential SNEs.[12] The Netherlands has therefore a relative advantage compared to other member-states in terms of the potential benefits from the secondment system.

Table 2 reveals the distribution of contact patterns evoked by current and former Commission SNEs.

[Table 2 about here]

Table 2 clearly reveals two main patterns: First, departmental contact patterns are by far the most frequent contact pattern among both current and former SNEs. This observation may be explained by the horizontal specialisation of the Commission services (with respect to current SNEs) as well as domestic administrations (with respect to former SNEs). Inside the Commission hierarchy the Heads of Unit are pictured as central gate-keepers (Interviews). "The thing most SNEs comment on is how important the hierarchy in the Commission is." (CLENAD 2003: 43) According to one current Dutch SNE, "*the room for manoeuvre of an SNE depends on the DG and the Head of Unit*" (Interview). According to one current Swedish SNE, "*I have had four Heads of Unit, and the working procedures have changed each time*" (Interview). These observations reflect that departmental contact patterns among SNEs reflect the Commission structure.

Moreover, table 2 demonstrates that the organisational affiliation towards the Commission "matter" with respect to the distribution of intergovernmental and supranational contacts. Former Dutch SNEs have by far more intergovernmental

contacts than current SNEs. We also see that current SNEs have much stronger supranational contact patterns than former SNEs. These observations clearly show that the Commission is a primary organisational affiliation to SNEs.

Many former SNEs report in interviews that the drop in supranational contacts after return is dramatic and that this is an important "missed opportunity" for their home organisations. However, some former SNEs seem to maintain contacts towards the Commission. According to one former Dutch SNE, *"I do still have a lot of contacts from the period of my secondment. And I do use these contacts, but that is mainly through informal channels. I have reasonably often contacts with my* former [Commission] *colleagues from other member states."* (Interview). Current Dutch SNEs report that permanent staff of the Commission often does not have elaborate contacts with member states, and hence that the SNEs fulfil a specific role in providing access to those networks.

A majority of current SNEs even report a wish of continuing working in an EU institution after their secondment contract expired (CLENAD 2003: 7). However, the vast majority do return to their home organisation after their short Commission career. Most returned SNEs report a weakening of their supranational contacts established during their secondment period. Many are also disappointed that they are granted little relevant portfolios upon return in their home organisations. According to a study by the staff organisation for SNEs (CLENAD 2003: 26), "[i]t appears that SNEs often return to vacant posts which have limited relevance to the knowledge and skills gained on secondment". According to one former Dutch SNE,

> *"For my current position it is absolutely not required to have experience within the Commission. The only thing I presently do that is related to Europe, is the implementation of a directive, but I could just as well have done that*

> *without having been seconded. Similarly, I am not involved in the negotiations that take place on the part of my home ministry in Brussels"* (Interview).

Another former Dutch SNE reports that,

> "*There is zero connection between the experience I gained in Brussels and the position I currently fulfil. I ended up at a position in which I have absolutely nothing to do with European dossiers. I find it downright shocking how the Dutch government deals with ex-SNEs. There is absolutely no interest for their capabilities and the added value of their secondment is not used to the benefit of the organisation. You spent three years building up a network, and it is just wasted."* (Interview).

A third former Dutch SNE informs us that,

> "*I have to say that I am very disappointed about the fact that when I returned I did not get a position in which I could work with European dossiers. So I cannot apply the experience I gained in Brussels. The contacts that I had with my Dutch unit during the secondment always took place on my initiative; it really was a one-way traffic. No-one made use of the fact that I was there at the Commission, neither during the secondment, neither afterwards"* (Interview).

Also, many of the former SNEs mentioned that in spite of the fact that their current position often had little relation to their work at the Commission, they did still maintain their network, if only for social purposes (Interviews). Many former SNEs report that these contacts give them an information advantage vis-à-vis their colleagues and superiors. They argue that they personally still benefit from the secondment, but that their home administration does not profit substantially from their secondment (Interviews).

Intergovernmental contacts are few and mainly directed towards the governments of other countries rather than towards the government of their country of origin (Trondal 2006). Many returned SNEs report that while they were seconded, their home organisation did not seek contact with them. Most contacts between the SNEs and the home administration was a result of the initiatives of the SNEs, partly to allow the organisation to benefit from the experience they were gaining, partly in order not to be

forgotten and thus hoping to boost their career opportunities upon return (Interviews). Most SNEs report that their home ministry or agency seldom initiates contacts (Interview). According to one current Norwegian SNE, "*I have very little contact with my ministry back home, almost nothing*" (Interview). "I only get information [from my home administration] if I ask for it" (CLENAD 2003: 21). According to one former Dutch SNE,

> *"During my secondment I had quite some contact with my colleagues at home at my own initiative. I also sent out a newsletter to my own unit and to my own department, to keep people in The Hague up to date with what I was doing in Brussels. I also went regularly to return-home days in The Hague. Nonetheless, at the senior/management level there was little attention for what I was doing in Brussels"* (Interview).

Another former Dutch SNE reports that,

> "*At one point I knew my boss was going to visit someone at the DG that I was working at. Nonetheless, it did not occur to him to stop by at my room and to enquire what I was doing there and how I was performing"* (Interview).

The following phrase seems to cover the impression of most SNEs: "Out of sight, out of mind" (CLENAD 2003: 26; Statskontoret 2001:17: 11). SNEs receive "very little feedback from capitals … and … in general they had expected to be in closer contact with their employer" (EFTA Secretariat, 2000, 2). Some SNEs report a preference for more intensive contacts with their member-state ministries than offered by these ministries (Interviews). These observations reflect the primacy of the Commission for SNEs and the *de facto* autonomy of SNEs vis-à-vis their home governments. One reason for this lack of contact initiated by the home administration may be the lack of domestic strategy on SNEs. For example, the Swedish Government admit lacking a central strategy on SNEs and that they have a rather poor central co-ordination of how Swedish SNEs should be recruitment and utilised by the Swedish Government (Statskontoret 2001:17: 9; The Government Offices of Sweden 2002: 14).[13]

Next, Table 3 applies a "reputational approach" to assess governance dynamics in the Commission (Jacobsen 2007). The Table demonstrates the extent to which SNEs are perceived to act like independent experts and/or like member-state representatives.

[Table 3 about here]

Table 3 clearly confirms that most SNEs perceive themselves as acting like independent experts while working in the Commission. The variations in the Table are marginal. However, some member-state representation also seems to occur among SNEs, particularly among Nordic SNEs (Data 1). In both 'Data 2' and 'Data 3' the overwhelming majority of respondents view themselves as independent experts and only a minority see themselves as member-state representatives. According to one former Dutch SNE,

> *"[a]s SNE one should be neutral, so you cannot privilege your own member state. Some SNEs do trespass this boundary. I knew a Dutch SNE who did that and I addressed him about it. He admitted the things I said. Sometimes documents from my department in The Netherlands arrived at my desk and I had to assess them. I always took a critical look at such documents because I knew it would increase their chances for success. However, my colleagues at home were by no means appreciative of my critical attitude. But I actually did them a favour, because some documents that they submitted were just not in order and without my interference they would not even have been taken into consideration by the Commission. I really saved my department at home from making big blunders"* (Interview).

Another former Dutch SNE reports that,

> "*I was an independent expert, but I was also used by my Head of Department at the Commission to leak information to my Dutch organisation"* (Interview).

One explanation for the enactment of a member-state role among SNEs may be due to an increased guidance and level of instructions from their home government. Over the years, Dutch SNEs have increasingly been exposed to domestic guidance and instruction. Moreover, it appears that views regarding the appropriateness of national

interest representation also play a role in this respect. These views are at least partially shaped during SNEs pre-socialisation within their national administrative culture. As a former Commissionner noted: "To be fair, one must start by accepting that we all bring with ourselves a baggage of preconceived ideas outlooks and prejudices, many of them of a specific national nature." (Quoted in Page 1997: 115)

Testimony of the cross-national variation on these views is given by the fact that several Dutch SNEs claim that France makes significantly more strategic use of their SNEs. Some Scandinavian SNEs also report that French SNEs tend to have a stronger intergovernmental role than other SNEs: "France uses the French SNEs to the maximum. They are consulted directly by the French Government" (Interview). Similarly, a study by the Swedish government agency *Statskontoret* (2001:17) indicates that the British government uses their SNEs instrumentally to influence the Commission. In stark contrast to the non-existing Swedish SNE policy (see above), the British SNE policy is both explicitly stated and highly co-ordinated by the Cabinet Office (Statskontoret 2001:17: 51). These observations clearly reflect the impact of the nationally determined cultural aspects of administrative systems and the degree to which national governments have developed a policy regarding the coordination of SNE activities. However, according to one former Dutch SNE,

> *"the Netherlands is a member state that does not make much use of these possibilities. In the Netherlands lobbying is frowned upon. This is in great contrast with the French who very effectively make use of their nationals within the Commission. … [T]he French, but also the Irish have a good grip on their fonctionnaires within the Commission, and thus are those states ensured that their interests within the EU are permanently being served at a variety of different levels. The Netherlands appears to have ethical objections against such a strategy. In my case civil servants of my home department were told to avoid me if they were in Brussels, because otherwise there would be a danger that I would pass on classified information from within the Commission. For ethical reasons people in The Hague choose to remain ignorant about what is happening in Brussels"* (Interview).

For these SNEs, the epistemic role has been much more important than the member-state role. This observation is also supported by the fact that many SNEs report that the content of the work they could do at the Commission was at least as important as a motivating factor for being seconded as career considerations, and more important than idealism or other motivations (Interviews).

In the interviews, SNEs report that they are very much aware of their dual position, as national experts and as independent outsiders. However, many felt that although in theory the Commission insists on their independence from their home country, they often felt that their colleagues at the Commission viewed them as Dutch and were specifically interested in their Dutch perspectives. Many SNEs report that they have deliberately brought Dutch problems to the table.

> *"SNEs make no secret about their country of origin. You are clearly fulfilling a dual role, so you are able to bring problems or positions from your member state to the fore. Other fonctionnaires at the Commission also approach you to have an 'early test' as to whether a specific proposal would be welcomed with enthusiasm in the Netherlands or not. As an SNE you can then say: This proposal is never going to survive in the Netherlands. So, by the presence of SNEs, the policy process proceeds more smoothly and quicker because as an SNE you are well informed of the national positions*" (Interview with former Dutch SNE).

Finally, Table 4 reveals the distribution of loyalties emphasised by current and former Commission SNEs.

[Table 4 about here]

Table 4 demonstrates the multiple loyalties evoked by Commission SNEs. They clearly attach greatest loyalty towards the departmental level and secondly towards

the supranational level. Intergovernmental loyalties are fairly weak. SNEs have multiple institutional affiliations, notably towards their primary institutions (the Commission services) and their secondary institutions (their home government). Table 4 indicates that SNEs manage to live with multiple loyalties. The strong departmental loyalties among SNEs clearly reflect the horizontal specialisation of the Commission services as well as the departmentalised recruitment procedure through the "submarine procedure". According to one current Dutch SNE,

> *"[a]s an SNE you always have a complicated dual position. But I for one, and the people that I know, found a good middle course between on the hand loyalty to the Commission and on the other hand loyalty to their home country"* (Interview).

Another Dutch SNE claims that,

> *"[a]s an SNE you are loyal to the Commission. But one's salary is paid by the Netherlands. I had no problems functioning in that dual position"* (Interview).

Hence, as expected, greatest loyalty is attached towards the immediate organisational environments, that is, the unit and DG level. However, a great deal of loyalty is also attached towards the corresponding domestic ministry. Secondly, Table 4 shows that current SNEs have strikingly lower levels of intergovernmental allegiance than former SNEs. These observations demonstrate the impact of organisational affiliations. Officials tend to attach strongest loyalty towards their primary organisation. This observation is crucial since the home government pays the salaries of SNEs and expects them to return after the secondment procedure. Hence, the primary loyalty of SNEs is not directed towards their paymaster.

Finally, Table 4 shows that loyalty towards the EU system as a whole is slightly stronger among former SNEs than among current SNEs. The opposite is the case with respect to loyalty towards the Commission as a whole. In the interviews many current

SNEs report that their stay with the Commission undermines their loyalty to their home organisations and greatly reinforces their loyalty to the Commission. Socialisation of SNEs contributes mainly to create enduring *system loyalty* towards the EU system, and only secondly to install lasting institutional loyalties towards EU institutions. Hence, being socialised in the EU system seems to result in enduring loyalty towards the EU system as a whole more than towards the Commission. The secondment of domestic officials to the Commission in most cases causes them to develop a European perspective on policy problems, more or less independently from what is the position of their home country. Many report to have become more critical towards the actions and positions of their home organisations.

> *"When you are here, you tend to forget the Netherlands, The Hague, where you come from. Your background is not important in your daily routine. Your first loyalty lies with the Commission"* (Interview with current Dutch SNE).

Another current Dutch SNE reports that,

> *"[a]t the end of the day it is my home organisation who is my employer, but I am loyal to the Commission"*.

A former Dutch SNE argues that,

> *"[d]ue to the poor guidance and the lack of contact with the Permanent Representation[14] the situation occurs that after three years, the SNE actually feels a stronger loyalty toward the Commission than to the national government"*.

Finally,

> "[*y*]*ou acquire a European mindset, you learn to be sensitive to the interests of the other member states. And then you weigh all considerations to each other and decide what is best in the general European interest"* (Interview with former Dutch SNE).

Conclusions

A long lived assumption in the literature has been that the "secondment system would tend to produce an unmanageable cacophony" of officials loyal to the national civil

service (Cox 1969: 208). The suspicion early voiced by Coombes (1970) that SNEs are highly conscious of their national background is challenged by this study. This study demonstrates that the behavioural dynamics applied by SNEs contain a mix of departmental, epistemic and supranational behaviour. The intergovernmental dynamic is shown to be much less significant. This conclusion supports recent literature that reveals that the portfolio logic is essential both at the level of Commissioners and among top Commission officials (Egeberg 2006; Hooghe 2005). The primacy of departmental and epistemic dynamics among SNEs reflects the departmentalised recruitment of these officials, their primary organisational affiliations towards the Commission as well as the horizontal specialisation of the Commission services. Nordic SNEs, however, evoke stronger member-state roles whereas Dutch SNEs tend to enact stronger supranational contact patterns. These differences probably reflect the effect of differences in administrative cultures across the seconding member states. Although we have been unable to investigate it here (due to insufficient variation across the member states under study), we may assume that cross-national variation in SNE decision-making behaviour and loyalties is in part accounted for by the state structure of the country of origin. SNEs from unitary states are likely to perceive larger degrees of misfit in their conceptions of sovereignty between their home country and the Commission than for SNEs from federal states. European federal polities are characterised by sophisticated and complex institutional mechanisms that help to accommodate territorial lines of conflict. For this reason, bureaucrats from federal polities are less likely to consider territorial conflicts as zero-sum games and more used to share sovereignty across territorial levels (Hooghe and Marks 2001: 151).

Moreover, considerable variation is observed between *current* and *former* SNEs in terms of their supranational loyalties towards the Commission. Nonetheless, former SNEs' overall system loyalties towards the EU as a whole appear rather sticky and enduring. This is a crucial testimony of the socialising powers of the Commission while in office. The secondment system seems to strengthen and consolidate supranational loyalties across levels of government in Europe, supporting the expansion and intensification of the multilevel administrative system between the Commission and domestic administration. However, this study also shows that the actual *contact patterns* applied by SNEs support this multilevel administration only to a limited extent due to the remarkably low degree of national contacts during their secondment period. This underscores the behavioural autonomy of SNEs vis-à-vis the member-states while working at the Commission.

Past research suggests that supranational loyalties are contingent "on whether one is paid by ones country of origin or by the organization…" (Reinalda and Verbeek 2004: 20). SNEs are paid by their member-state while seconded to the Commission, and still they adopt supranational loyalties. Moreover, upon return to their member-state, SNEs retain a fairly strong supranational loyalty towards the EU system as a whole and less towards the Commission particularly. This observation clearly reflects conditional processes of socialisation of SNEs within the Commission more than rationalist mechanisms of expected utility and anticipated returns. Upon return in the member-states, however, former SNEs shift loyalties towards the national level and their primary institutional affiliations. The long-lasting effect of socialisation within the Commission is largely lacking.

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Tables

Table 1 Four ideal-typical decision-making dynamics

The intergovernmental SNE	*The supranational SNE*	*The departmental SNE*	*The epistemic SNE*
- Loyalty to the nation-state and the home government - Mandated by domestic government institutions - Guided by domestic preferences and concerns - Diplomatic code of conduct	- Loyalty to the EU as a whole - Mandated by the Commission leadership - Preferences for "the common good" - Community codes of conduct	- Loyalty towards own portfolio - Mandated by department and unit rules - Guided by departmental preferences and concerns - Departmental codes of conduct	- Discipline loyalty - Professional discretion and room of manoeuvre - Guided by professional preferences and considerations - Contacts with professional experts - Professional codes of conduct

Table 2 "How frequently do you have work-related contacts and/or meetings with the following during a typical week in your *current* function"? (Percent)

Four ideal-typical contact patterns:	**Data 1**	**Data 2**	**Data 3**
1) Intergovernmental contacts:			
- with ministries in country of origin working within *other* policy areas than current portfolio	5	5	40
- with ministries of other members-states working within *other* policy areas than current portfolio	4	2	3
- with the EU Permanent Representation of country of origin	--	18	20
- with the EU Permanent Representation of other member-states	--	7	2
2) Supranational contacts:			
- with the other EU institutions than the Commission	8	30	10
- with other international organisations	18	25	10
3) Departmental contacts:			
- with colleagues in other DGs (current SNEs) / in the Commission (former SNEs)	27	67	22
- with ministries in country of origin working *within* current portfolio	6	51	73
- with ministries in other member-states working *within* current portfolio	29	28	17
4) Epistemic contacts:			
- with business representatives in country of origin**	19	13	32
- with business representatives in other member-states	--	16	12
- with NGO representatives in country of origin	--	7	8
- with NGO representatives in other member-states	--	7	0
- with universities or research institutes in country of origin***	25	9	12
- with universities or research institutes in other member-states	--	11	5
Mean N	100 (67)	100 (44)	100 (40)

** The percentages listed are the sum of the percentage of officials who have daily or weekly contacts with the respective actors. This dichotomy builds from the following five-point scale: daily (value 5), weekly (value 4), monthly (value 3), yearly (value 2), and less than one per year (value 1).*
*** The questionnaire in 'Data 1' did not separate between EU-level business and industry and national business and industry.*
**** The questionnaire in 'Data 1' did not separate between universities or research institutes of country of origin vs. from other member-states.*

Table 3 "To what extent do you think that SNEs act as 'independent experts' or as 'member-state representatives'"? (percent)*

	◄------►			
	Independent expert	**Both/and**	**member-state representative**	**N**
Data 1	74	20	6	100 (67)
Data 2	94	4	2	100 (46)
Data 3	86	7	7	100 (43)

** Original Scale: Value 1 = Independent expert – Value 7=Member-State representative*

Table 4 "To whom do you feel loyal to in your *current* function?" (percent)*

Four ideal-typical allegiance patterns:	**Data 1**	**Data 2**	**Data 3**
1) Intergovernmental loyalty towards:			
- the state/administration in their country of origin	9	33	72
- the national government in their country of origin	5	13	45
- the national governments of other member-states	9	4	5
- the ministries of other member-states	11	9	7
2) Supranational loyalty towards:			
- the Commission as a whole	69	70	42
- the EU system as a whole	63	63	70
- other international organisations	12	33	24
3) Departmental loyalty towards:			
- the Unit they are working in	84	98	90
- the DG they are (current SNEs) /were (former SNEs) working in	84	96	48
- the Ministry they were (current SNEs) /are (former SNEs) working in	--	73	77
4) Epistemic loyalty towards:			
- their own professional community / area of expertise	77	71	81
- the requirements of their own policy sector	70	74	64
- business and industry	8	37	38
- trade unions	2	9	7
- universities and research institutes	8	28	24
Mean N	100 (66)	100 (46)	100 (41)

** The percentages listed are a sum of officials who have very strong or fairy strong loyalty to the entities. This dichotomy stems from the following five-point scale: very strong (value 5), fairly strong (value 4), average (value 3), fairly weak (value 2), and very weak (value 1).*

Notes

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2 The Commission formalised in 2004 new rules on the secondment of national experts to the Commission (Commission Decision C(2004) 577 of 27 February 2004).

[3] However, the current Commission is argued to have become more "presidential", "with Mr. Barroso personally steering Brussels' most important policy dossiers such as energy and the EU constitution" (EUobserver 2007).

4 CLENAD is the staff organisation for SNEs in the Commission.

5 The DGs covered by this first survey are: DG Education and Culture, DG Employment and Social Affairs, DG Enterprise, DG Environment, DG Energy and Transport, Eurostat, DG Fisheries, DG Health and Consumer Affairs, DG Information Society, DG Research, DG Taxation and Customs Union, DG Economic and Financial Affairs, DG Trade, DG Competition, and DG Development.

6 EU member-states covered in this first survey are: Sweden (N=44), Denmark (N=3). EEA countries covered: Norway (N=20) and Iceland (N=2). Three respondents did not report their country of origin.

7 One of the respondents had been seconded before this period, but given the value of gathered data the respondent has been included in the analyses.

8 The survey was sent by e-mail, but the respondents were given a choice of returning the completed document per e-mail or per post.

10 Caroline de Gruyter, 17-18 January 2004, NRC Handelsblad, "Banenjagen voor het Vaderland", p. 39.

11 Interview with SNE25, Brussels, January 2006.

12 Interview with SNE84, The Hague, March 2006

13 Some times SNEs are recruited from national agencies without the knowledge of the ministry (Statskontoret 2001:17: 27).

[14] The interviews with the current Dutch SNEs indicate that this situation has changed though. Since the appointment of a coordinator for the careers of Dutch officials at the Dutch Permanent Representation in Brussels, the Permanent Representation has been increasingly active in organising

receptions, conferences, and the like to gather Dutch officials working in Brussels which all current SNEs interviews have reported to participate in.